

FORM PTO-1390  
(REV. 1-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

55411.000002

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/242657

INTERNATIONAL APPLICATION NO.

PCT/DK97/00342

INTERNATIONAL FILING DATE

August 25, 1997

PRIORITY DATE CLAIMED

August 23, 1996

TITLE OF INVENTION

ARTIFICIAL PROMOTER LIBRARIES FOR SELECTED ORGANISMS AND  
PROMOTERS DERIVED FROM SUCH LIBRARIES

APPLICANT(S) FOR DO/EO/US

Peter Røhndal JENSEN and Karin HAMMER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
 ☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

SEE ATTACHMENT 1 ON PAGE 1A

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17. ☐ The following fees are submitted:

## CALCULATIONS PTO USE ONLY

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Neither international preliminary examination fee (37 CFR 1.482)

nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO

and International Search Report not prepared by the EPO or JPO ..... \$1070.00

International preliminary examination fee (37 CFR 1.482) not paid to

USPTO but International Search Report prepared by the EPO or JPO ..... \$840.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO

but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$790.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO

but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$720.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO

and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$98.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$ 840.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS

NUMBER FILED

NUMBER EXTRA

RATE

\$

Total claims

22 - 20 =

2

x \$18.00

\$ 36.00

Independent claims

2 - 3 =

0

x 0

\$ 0

MULTIPLE DEPENDENT CLAIM(S) (if applicable)

+

\$

TOTAL OF ABOVE CALCULATIONS =

\$ 876.00

Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement  
must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

\$

0

SUBTOTAL =

\$ 876.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

0

TOTAL NATIONAL FEE =

\$ 876.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

0

TOTAL FEES ENCLOSED =

\$ 876.00

Amount to be  
refunded:

\$

charged:

\$

a. ☒ A check in the amount of \$ 876.00 to cover the above fees is enclosed.b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. 50-0206. A duplicate copy of this sheet is enclosed.NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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SIGNATURE

Stanislaus Aksman

NAME

28,562

REGISTRATION NUMBER

## ATTACHMENT 1

1. Notice Informing the Applicant of the Communication of the International Application to the Designated Offices. (Form PCT/IB/308)
2. Published PCT application with International Search Report
3. Notification Concerning Submission of Priority Documents
4. First Written Opinion of June 29, 1998 and response of August 26, 1998
5. Second Written Opinion of November 19, 1998 and response of November 26, 1998
6. International Preliminary Examination Report, including copies of amendments under Article 34 comprising: amended specification sheet 10a and new claims 1-22
7. Letter of January 14, 1999 from H. Sogaard to International Preliminary Examining Authority and January 15, 1999 Notification Transmittal of the International Preliminary Examination Report, sending to H. Sogaard (of Plougmann, Vingtoft & Partners) the corrected sheet 2 of the IPER dated December 10, 1998
8. Sequence Listing, including (i) hard copy (pages 38-69P); (ii) diskette; (iii) Statement Under 37 CFR Section 1.821
9. Request to Examine Application on the Basis of the Text Amended Under Article 34 in the PCT

09/242657

Attorney Docket No. 55411.000002

300 Rec'd PCT/PTO 19 FEB 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of : )  
Peter Ruhdal JENSEN et al. ) Group Art Unit: To Be Assigned  
Serial No.: To be Assigned ) Examiner: To Be Assigned  
Filed: Herewith )

For: ARTIFICIAL PROMOTER LIBRARIES FOR SELECTED ORGANISMS  
AND PROMOTERS DERIVED FROM SUCH LIBRARIES

**REQUEST TO EXAMINE APPLICATION ON THE BASIS OF THE  
TEXT AMENDED UNDER ARTICLE 34 IN THE PCT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants request that the examination of the enclosed application be conducted on the basis of the text amended Under Article 34 of PCT. Enclosed are copies of August 26, 1998 response to the first written opinion and of November 26, 1998 response to a second written opinion containing the amendments. Copies of the amendments are also enclosed with the International Preliminary Examination Report dated January 15, 1999. All these documents are enclosed with the Form PTO-1390.

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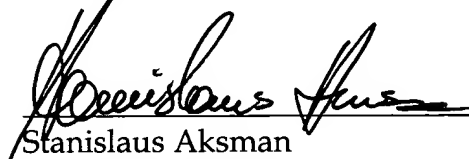
The details of these amendments are listed on the enclosed Form PTO-1390.

Respectfully submitted,

HUNTON & WILLIAMS

Date: February 19, 1999

By:



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